

REMARKS

Claims 1-53 are pending in the application.

Claims 1-53 stand rejected.

Claims 1, 4, 10, 11, 42, 43, 44, 45, 47, 49, 50, and 52 have been amended.

Formal Matters

Applicant thanks the Examiner for carefully reviewing the specification. The specification has been amended to correct the informalities noted by the Examiner.

Rejection of Claims under 35 U.S.C. §112

Claims 11 and 24 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 11 has been amended to address the Examiner's concerns.

With respect to claim 24, the Examiner states, "Claim 24 recites the limitation 'the storage volume.' There is unclear antecedent basis for this limitation in the claim. It is unclear whether the snapshots are of the first or second storage volume. Examiner interprets the snapshots to be of the first storage volume." Page 3. Applicants note that claim 24 recites "a storage volume," but does not recite first and second storage volumes. Claim 24 depends from claim 1, and claim 1 recites first and second data storage but does not recite first and second storage volumes. Thus, claim 24 provides clear antecedent basis for the storage volume recited therein.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 112 rejections of claims 11 and 24.

Rejection of Claims under 35 U.S.C. § 102

Claims 1-9, 11-15, 42-46, 48-51 and 53 stand rejected under 35 U.S.C. § 102(e), as being anticipated by Zlotnick, et al., U.S. Publication No. 2004/0205312 (Zlotnick). Applicant submits that claim 1, as amended, clearly distinguishes over Zlotnick. Amended claim 1 recites:

replicating a change to data from first data storage in a first security domain to a second security domain, wherein
the first security domain and the second security domain are independent of each other,
the first security domain permits a first host to access the first data storage,
and
the first security domain prohibits a second host from directly accessing the first data storage; and
completing the change to the data in the first security domain in response to receiving an acknowledgement that the change to the data has been stored in the second data storage in the second security domain.

Applicant respectfully submits that the cited portions of Zlotnick fail to show, teach, or suggest that “the first security domain permits a first host to access the first data storage, and the first security domain prohibits a second host from directly accessing the first data storage,” as recited in claim 1.

The primary and secondary sites of Zlotnick are not comparable to the security domains recited in claim 1. The Office action, on page 4, suggests that the first and second security domains of claim 1 are comparable to primary site 8 and secondary site 18 of Zlotnick. However, amended claim 1 recites that the first security domain permits a first host to access the first data storage and prohibits a second host from directly accessing the first data storage.

Nothing in the cited portions of Zlotnick teaches that the primary or secondary sites serve to prohibit or permit access to primary and secondary storage volumes.

In fact, Zlotnick suggests that the first and second sites are simply physical locations, not security domains that prohibit and permit host access to data storage. In paragraph 25, Zlotnick teaches:

The primary 8 and secondary 18 sites may be implemented in different power boundaries, such that the destruction or substantial failure at one site will not impact the data stored at the other sites. Further, the primary 8 and the secondary 18 sites may be in different geographical locations, in a same building, but different floors or rooms, in different buildings in a same geographical locations [sic], or separated by a distance.

Thus, Zlotnick teaches that data storage volumes may be placed in separate locations “such that the destruction or substantial failure at one site will not impact the data stored at the other sites.” However, teaching a data protection scheme that places primary and secondary volumes in different sites (i.e., physical locations) does not teach using security domains to control access to data storage. In fact, such an approach implies that the various data volumes should be fully accessible, regardless of their location, in clear contrast to the claimed invention. Thus, the cited portions of Zlotnick do not teach a first security domain that “permits a first host to access the first data storage” and “prohibits a second host from directly accessing the first data storage,” as recited in claim 1.

Accordingly, Applicant submits that claim 1 clearly distinguishes over Zlotnick. Applicant submits that independent claims 42, 44, and 49 distinguish over Zlotnick for at least the same reasons that claim 1 distinguishes over Zlotnick. Therefore, independent claims 1, 42, 44, and 49, as well as claims 2-9, 11-15, 43, 45-48, 50, 51, and 53, which depend from claims 1, 42, 44, and 49, are allowable for at least the foregoing reasons. Accordingly, Applicant respectfully requests withdrawal of the rejections based on 35

U.S.C. § 103 and submits that claims 2-9, 11-15, 43, 45-48, 50, 51, and 53 are in condition for allowance.

Rejection of Claims under 35 U.S.C. § 103

Claims 10, 47 and 52 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Zlotnick, et al., U.S. Publication No. 2004/0205312 (Zlotnick). Claims 10, 47, and 52 depend from claims 1, 44, and 49. Thus, claims 10, 47 and 52 are allowable for at least the same reasons that claims 1, 44, and 49 are allowable.

Claims 16-23 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Zlotnick, et al., U.S. Publication No. 2004/0205312 (Zlotnick) and further in view of Orsley, et al., U.S. Publication No. 2004/0059869 (Orsley). Claims 16-23 depend from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Claims 24-33 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Zlotnick, et al., U.S. Publication No. 2004/0205312 (Zlotnick) and further in view of Sawdon, et al., U.S. Publication No. 2003/0158834 (Sawdon). Claims 24-33 depend from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Claims 34-41 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Zlotnick, et al., U.S. Publication No. 2004/0205312 (Zlotnick) and further in view of Sawdon, et al., U.S. Publication No. 2003/0158834 (Sawdon). Claims 34-41 depend from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 6, 2006.

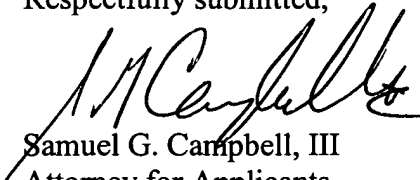


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